

REMARKS

The application includes claims 1-49 prior to entering this amendment. The Examiner rejects claims 1-49 under 35 U.S.C. § 103(a) over Rune (U.S. Patent Application Publication 2001029166 A1) and Fairchild (US Patent 6,343,320). The Examiner rejects claims 18-20 and 25-27 under 35 U.S.C. § 103(a) over Rune, Fairchild, and Johansson (U.S. Patent Application Publication 20020044549 A1). Applicants amend claims 1, 2, 6-8, 12, 14, 18-28, 35, and 39-49. Claims 1-49 remain in the application after entering this amendment. Applicants add no new matter and request reconsideration.

Claim Rejections - 35 U.S.C. §103

The Examiner rejects claims 1-49 under 35 U.S.C. § 103(a) over Rune and Fairchild. The Examiner rejects claims 18-20 and 25-27 under 35 U.S.C. § 103(a) over Rune, Fairchild, and Johansson. Applicants respectfully traverse the Examiner's rejections.

Claim 1 recites *broadcasting, from the first device, an information packet over the network, the information packet indicating whether the first device had a prior status as a master device in a previous operational period and listening, at the first device, for one or more responses to the information packet from one or more second devices coupled to the network, the one or more responses indicating a current state of the corresponding second devices as either master or slave devices of the network, and a prior status of the corresponding second devices as master devices in previous operational periods.* Claims 12, 21, 28, 35, and 39 recite similar claim features.

According to the Examiner, Rune's first BT unit discloses the first device, and Rune's second BT unit discloses the recited second devices. The Examiner alleges Rune's inquiry message discloses the recited information packet, and Rune's inquiry response message discloses the recited responses to the information packet. Applicants agree with the Examiner that Rune does not teach or suggest the inquiry message *indicating whether the first device had a prior status as a master device in a previous operational period* or the inquiry response message *indicating a prior status of the corresponding second devices as master devices in previous operational periods.* See, Final Office Action, page 4.

The Examiner, however, alleges Fairchild's "status information" within its beacon packets disclose the recited prior status of the first device and the second devices as master

devices. There is no disclosure in Fairchild, however, of its “status information” indicating whether its NPDs 302 had a prior status as a master device in a previous operational period. See, Fairchild, col. 13, line 40 – col. 14, line 65, which describes the contents of Fairchild’s beacon packet, but fails to provide any disclosure of the recited prior status as a master device. In other words, Fairchild does not teach or suggest its status information *indicating whether the first device had a prior status as a master device in a previous operational period or indicating a prior status of the corresponding second devices as master devices in previous operational periods* as the claims require.

“To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently.” *Purdue Pharma L.P. v. Boehringer Ingelheim GmbH*, 55 USPQ2d 1168 (DC SNY 2000). “Inherent anticipation arises when the prior art necessarily functions in accordance with, or includes, the claimed limitations, regardless of whether persons of ordinary skill in the art would recognize the inherent characteristics or functioning of the prior art.” *Purdue Pharma L.P. v. Boehringer Ingelheim GmbH*, 55 USPQ2d at 1180.

As discussed above, Fairchild fails to explicitly disclose its “status information” *indicating whether the first device had a prior status as a master device in a previous operational period or indicating a prior status of the corresponding second devices as master devices in previous operational periods* as the claims require. Fairchild’s beacon packet further does not necessarily have to indicate a prior status of a NPD 302 as a master device, as Fairchild discloses a distinctly different method for determining a master device of its subnet, particularly, that it makes the determination based on an interval the NPDs 302 are programmed to send beacon packets and possibly according to the unique addresses on the subnet. See, Fairchild, col. 3, lines 5-20. Put differently, since Fairchild determines a master of its subnet based on a beacon interval (and possibly a unique address on the subnet), it is not necessary for the beacon packet to include the recited prior status as master. Thus, Fairchild fails to inherently disclose the recited claim features. The combination of Rune and Fairchild therefore does not render claims 1, 12, 21, 28, 35, and 39, or their corresponding dependent claims, unpatentable.

Claim 7 recites *comparing the prior status of the first device with the prior status of the one or more second devices received in the response to the information packet when one of the second devices is not currently the master device of the network according to the received responses, and determining the first device is the master device of the network or a slave device*

of the network according to the comparison of the prior status of the first device with the prior status of the one or more second devices. Claims 26, 34, and 45 recite similar claim features.

As discussed above, there is no disclosure in Rune or Fairchild of the recited prior status of any device as a master device, much less comparing prior status of multiple devices to determine whether one device is the master or slave of a network. See, Final Office Action, page 4, and Fairchild, col. 13, line 40 – col. 14, line 65, col. 3, lines 5-20. That Rune's first BT unit determines whether to become a master or slave of a network based on a current status of a second BT unit, does not obviate the fact that both Rune and Fairchild fail to teach or suggest the recited prior status, much less comparing the prior status information to determine *the first device is the master device of the network or a slave device of the network*. Applicants therefore submit that in addition to the reasons discussed with regard to claim 1, claims 7, 26, 34, and 45 are at least allowable over the combination of Rune and Fairchild based on these claims features.

Claim 8 recites *wherein the information packet further comprises information regarding a total system-up-time of the first device and the responses indicate information regarding corresponding total system-up-times of the one or more second devices, the total system-up-times of the first device and the one or more second devices to indicate a total time the corresponding first device or one or more second devices have been in an operational mode*. Claims 14, 23, 35, and 46 recite similar features.

Applicants and the Examiner appear to be in substantial agreement that Rune does not teach or suggest the recited total system-up-times. The Examiner, however, alleges Fairchild's beacon packet interval or time since last status change in an NPD 302 discloses the recited total system-up-times. Since Fairchild's beacon packet interval and time since last status change in an NPD 302 are distinctly different than the recited total system-up-times, Applicants have amended the claims to further clarify the total system up times, particularly, that *the total system-up-times of the first device and the one or more second devices to indicate a total time the corresponding first device or one or more second devices have been in an operational mode*. Since none of Fairchild's TIME, INTERVAL, NPDID, and NPDNAME, teach or suggest disclosing *a total time the corresponding first device or one or more second devices have been in an operational mode*, claims 8, 14, 23, 35, and 46 are allowable over the combination of Rune and Fairchild at least based on these claim features.

Claim 8 further recites *comparing the total system-up-times of the first device and the one or more second devices, and determining the first device is the master device of the network or a slave device of the network according to the comparison of the total system-up-times*. There is no disclosure in either reference of comparing the recited total system-up-time with a total system-up-time of second device and then determining whether the first device is the master or slave unit based on the comparison of the total system-up-times as the claims require. As such, the Applicants submit that in addition to the reasons discussed with regard to claim 1, claims 8, 14, 23, 35, and 46 are allowable over the combination of Rune and Fairchild at least based on these claim features.

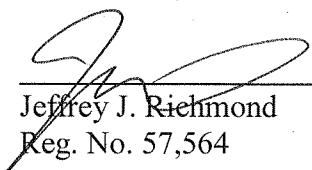
CONCLUSION

For the foregoing reasons, reconsideration and allowance of all claims of the application as amended is requested. The examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

Customer No. 73552

Respectfully submitted,

STOLOWITZ FORD COWGER LLP



Jeffrey J. Richmond
Reg. No. 57,564

STOLOWITZ FORD COWGER LLP
621 SW Morrison Street, Suite 600
Portland, OR 97205
(503) 224-2170